

Bb 37. (Amended) The digital airbrush peripheral of claim 31, wherein the activatable element is coupled to control an intensity of a digital spray on the display.

**Remarks:**

**A. Rejection of Claims 8 and 10 Under 35 U.S.C. § 112**

Claims 8 and 10 were rejected under 35 U.S.C. § 112 ¶1. Applicant respectfully traverses the rejection. Both claims 8 and 10 were original claims of the patent application and as such constitute sufficient written description. Thus claims 8 and 10 are patentable under 35 U.S.C. § 112 ¶1. See *In re Wertheim*, 191 USPQ 90, 97 (CCPA 1976).

**B. Rejection of Claims Under 35 U.S.C. § 112 ¶2**

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant respectfully traverses the rejection. Claim 1 particularly points out and distinctly claims the subject matter, as the recited controller is adapted to indicate a position of a first end and an opposite end of a user-input device and cause one or more pixels to activate based on the indicated position of at least the first end.

This claim recitation is clear, as it clearly recites that the controller indicates two positions, and uses at least one to activate one or more pixels of a display. Thus claim 1 and claims 2-11 depending therefrom are patentable under § 112, second paragraph.

**C. Rejection of Claims Under 35 U.S.C. § 102**

Claim 26 stands rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,767,843 (Wagner). Applicant respectfully traverses the rejection. Amended claim 26 recites that a user-input

device includes a controller to receive one or more signals from a plurality of sensors located on a display device. As Wagner does not disclose such a controller, claim 26 is patentable over Wagner.

Claim 31 stands rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,646,650 (Miller). Applicant respectfully traverses the rejection, as Miller does not disclose a digital airbrush peripheral including a control unit to cause air to be generated in response to an activation of an activatable element, as recited by amended claim 31. Accordingly, claim 31 is patentable over Miller.

#### **D. Rejection of Claims Under 35 U.S.C. § 103**

Claims 27 and 28 stand rejected under § 103(a) over Wagner in view of U.S. Patent No. 6,184,873 (Ward). Applicant respectfully traverses the rejection. With regard to claim 27, neither Ward nor Wagner teach or suggest a controller to transmit information regarding speed of a user-input device. Nor does either Ward or Wagner teach or suggest a controller in a user-input device to transmit information regarding orientation of the user-input device. Accordingly, claim 27 is patentable over the proposed combination. Claim 28 is patentable for the further reason that neither Wagner nor Ward teaches or suggests a controller to cause one or more pixels to activate based on orientation and speed of a user-input device.

Pending claims 33-37 stand rejected under 35 U.S.C. § 103(a) over Miller in view of Wagner. With respect to claim 33 neither Wagner nor Miller teaches or suggests a control unit to cause air to be generated in response to an activation of an activatable element. In this regard, the portion of Wagner cited by the Office Action (see Office Action, page 6) nowhere teaches or suggests that such a control unit is present.

Rather, an input lever of the device of Wagner simulates an airbrush. See, e.g., Wagner, col. 4, lns. 15-18. Thus claims 33-37 are patentable over the proposed combination.

Dependent claim 35 is further patentable as neither Miller nor Wagner teaches or suggests a processor to cause a light to be emitted from a digital airbrush. Dependent claim 36 is further patentable as, conceded by the Office Action, neither Miller nor Wagner teach or suggest a processor to generate one or more sounds in response to selection of an activatable element.

Pending claims 1-18, and 21-25 stand rejected under 35 U.S.C. § 103(a) over Wagner in view of Ward and U.S. Patent No. 6,028,595 (Shiga). Applicant respectfully traverses the rejection. With respect to claim 1 neither Wagner nor Ward nor Shiga teach or suggest a controller within a user-input device to indicate a position of a first and an opposite end of the user-input device. Thus for at least this reason claim 1 and claims 2-11 depending therefrom are patentable over the proposed combination.

Regarding claim 12, none of Wagner, Ward or Shiga teaches or suggests determining a distance of first and second ends of a user-input device relative to a display in the user-input device itself. Accordingly claim 12 and claims 13-16 depending therefrom are patentable over the proposed combination. Similarly, claim 17 and claims 21-25 depending therefrom are patentable over the proposed combination, as none of the references include instructions to determine a position of first and second ends of a user-input device in the user-input device.


Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) over Wagner, Ward and Shiga and further in view of U.S. Patent No. 6,104,387 (Chery). None of the cited references teach or suggest an article containing instructions to determine the

position of first and second ends of a user-input device in the user-input device. For at least this reason, claims 19 and 20 are patentable over the proposed combination.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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## APPENDIX

1           2. (Amended)    The user-input device of claim 1,  
2   further comprising a first sensor substantially at the  
3   first end and a second sensor substantially at the opposite  
4   end, [wherein] the controller to indicate [indicates] the  
5   position of the user-input device based on the signals  
6   sensed by the first and second sensors.

1           4. (Amended)    The user-input device of claim 1,  
2   wherein the controller is coupled to transmit [transmits]  
3   the position of the first end of the housing to a  
4   processor-based system.

1           5. (Amended)    The user-input device of claim 1,  
2   wherein the controller is coupled to indicate [indicates]  
3   the orientation of the housing to a processor-based system.

1           6. (Amended)    The user-input device of claim 5,  
2   wherein the controller is coupled to cause [causes] the one  
3   or more pixels to be activated based on the orientation of  
4   the housing.

1           7. (Amended)    The user-input device of claim 1,  
2   further comprising an activatable element disposed between  
3   the first and opposite ends, [wherein] the controller  
4   [causes] to cause the one or more pixels to activate in  
5   response to an activation of the activatable element.

1           8. (Amended)    The user-input device of claim 7,  
2   wherein the controller is coupled to provide [provides] at

3 least one of sound or air in response to the activation of  
4 the activatable element and wherein the controller is  
5 coupled to adjust [adjusts] the intensity of pixels based  
6 on a selection level of the activatable element.

1 9. (Amended) The user-input device of claim 7,  
2 wherein the controller is coupled to allow [allows] a  
3 selection of a color and wherein the controller is coupled  
4 to cause [causes] the one or more pixels to be activated  
5 with the selected color in response to the activation of  
6 the activatable element.

1 10. (Amended) The user-input device of claim 1,  
2 further comprising an optical sensor located substantially  
3 at the first end, wherein the optical sensor is coupled to  
4 indicate [indicates] the position of the housing.

1 11. (Amended) The user-input device of claim 1,  
2 wherein the controller is coupled to cause [causes] the one  
3 or more pixels to be activated in an airbrush-like manner  
4 based on the position of the first end.

1 12. (Amended) A method, comprising:  
2 determining, in a user-input device, a distance of a  
3 first end and a second end of [a] the user-input device  
4 relative to a display device; and  
5 activating one or more pixels of the display device  
6 based on the distance of the first and second ends of the  
7 user-input device relative to the display device.

1 13. (Amended) The method of claim 12, comprising  
2 receiving information regarding [the] an angle of the first

3 end of the user-input device relative to the display  
4 device.

1 14. (Amended) The method of claim 12, comprising  
2 determining the distance of the user-input device [relative  
3 to the display device] relative to the display device using  
4 triangulation.

1 15. (Amended) The method of claim 12, further  
2 comprising determining [the] an orientation of the user-  
3 input device relative to the display device.

1 17. (Amended) An article comprising one or more  
2 machine-readable storage media containing instructions that  
3 when executed enable a processor to:  
4 determine a position of a first end and a second end  
5 of a user-input device in the user-input device; and  
6 illuminate one or more pixels of a display device  
7 based on the position of the user-input device.

1 26. (Amended) A system, comprising:  
2 [a plurality of sensors; and]  
3 a user-input device comprising a controller to receive  
4 one or more signals from [the] a plurality of sensors  
5 located on a display device of a processor-based system,  
6 transmit information to [a] the processor-based system  
7 regarding [the] a position of the user-input device, and  
8 cause one or more pixels of [a] the display device to  
9 activate based on the transmitted information.

1 27. (Amended) The system of claim 26, [wherein the  
2 plurality of sensors are located on the display device and]

3 wherein the controller is coupled to transmit [transmits]  
4 information to the processor-based system regarding at  
5 least one of orientation and speed of the user-input  
6 device.

1 28. (Amended) The system of claim 27, wherein the  
2 controller is coupled to cause [causes] the one or more  
3 pixels to activate based on at least the transmitted  
4 information regarding the orientation and speed of the  
5 user-input device.

1 31. (Amended) A digital airbrush peripheral,  
2 comprising:  
3 a housing;  
4 a display coupled to the housing, to indicate a  
5 currently active digital paint color;  
6 an activatable element coupled to the housing, to  
7 activate the digital airbrush peripheral; [and]  
8 a control unit to cause air to be generated in  
9 response to an activation of the activatable element; and  
10 an interface coupled to the activatable element, to  
11 communicate information regarding the activatable element  
12 to a data processing device.

1 37. (Amended) The digital airbrush peripheral of  
2 claim 31, wherein the activatable element is coupled to  
3 control [controls the] an intensity of [the] a digital  
4 spray on the [a] display [device].